

Hallauer, Lori

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**From:** Jim Ford [jf@mtenvironmentaltrust.org]  
**Sent:** Friday, August 30, 2013 8:03 AM  
**To:** Burns, Betsy; Denise Kirkpatrick (MDEQ); Breeden, Randy; Figur, Charles; Rob Collins (MDOJ)  
**Cc:** Cindy Brooks (METG); Marc Weinreich (METG); Garrett Thompson (METG)  
**Subject:** East Helena - July 2013 RCRA Monthly Progress Report  
**Attachments:** East Helena - July 2013 RCRA Monthly Progress Report.pdf

At the request of EPA, attached is the **July 2013 RCRA Monthly Progress Report** for the former Asarco site in East Helena, Montana. A hard copy of the report has been sent via Certified Mail to those addressed and copied in the report.

Please feel free to contact me with any questions.

Sincerely, Jim

**Jim Ford**  
**East Helena Remedial Project Manager**  
*Montana Environmental Trust Group, LLC (METG)*  
*Trustee of the Montana Environmental Custodial Trust*  
*P.O. Box 1230,*  
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Montana Environmental Trust Group, LLC  
Trustee of the Montana Environmental Custodial Trust  
PO Box 1230, East Helena, Montana 59635  
Telephone: (406) 227-1242

August 30, 2013

Betsy Burns  
RCRA Project Officer  
EPA Region VIII  
Montana Office  
10 West 15th St., Suite 3200  
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During July 2013

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of July 2013 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
July 2013**

| #   | Topics & Subtasks       | Date(s)       | Major Activities <sup>1</sup>   |
|---|-------------------------|---------------|---|
| <b>I. RCRA Corrective Action</b>                                |                         |               |   |
| <b>A. Investigations, Studies, Analyses and Data Collection</b> |                         |               |   |
| 1.  | Phase II RFI            | During Period | No significant Phase II RFI activities occurred during the reporting period.  |
| 2.  | FSAP                    | During Period | Hydrometrics continued reviewing data from 2012 and April 2013 for trends and anomalies.  |
| 3.  | Risk Assessment         | During Period | No significant risk assessment activities occurred during the reporting period.   |
| 4.  | Upper Lake Aquifer Test | During Period | No significant Upper Lake Aquifer Test activities occurred during the reporting period.   |
| 5.  | GW Model                | During Period | Work scope development for 2013; Continued reviewing results of predictive simulations (modeling the PPC Bypass in and Smelter Dam removed) provided by NewFields against field-measured water levels in support of the SPHC IM.  |
| 6.  | Database Management     | During Period | Linda Tangen continued working on April 2013 EH Spring Surface and Groundwater Monitoring events.   |
| 7.  | Project Management      | During Period | No significant project management activities occurred during the reporting period.  |
| <b>B. Interim Measures</b>                                      |                         |               |   |
| 1.  | SPHC IMs                | During Period | <b>PPC Bypass:</b> <ul style="list-style-type: none"> <li>• Prepare Draft Weed Management Plan</li> <li>• Complete mobilization</li> <li>• Provide construction oversight including quality, safety, compliance with plans and specifications</li> <li>• Prepare daily reports to document progress</li> <li>• Prepare weekly reports</li> <li>• SWPPP implementation</li> <li>• Strip and screen all top soil except beneath Smelter Road and at the tie-ins</li> <li>• Begin removal of subsoil</li> <li>• Begin mass excavation of channel</li> <li>• 45,063 bank cubic yards of soil has been excavated and stockpiled</li> </ul> |
|   |                         | During Period | <b>PPC Realignment:</b> <ul style="list-style-type: none"> <li>• Monitoring, updating, and managing task schedule and budget. Preparation of EAC forecasts.</li> <li>• Coordination of Realignment activities with overall site activities, including Bypass, ET cover, and SHPC. Coordination between the Subcontractors on design elements of the Realignment, and on broader site activities, including groundwater modifications due to SPHC. Work on PPC Video</li> </ul>  |

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
July 2013**

| #  | Topics & Subtasks   | Date(s)       | Major Activities <sup>1</sup>   |
|----|---------------------|---------------|---|
|    |                     |               | <ul style="list-style-type: none"> <li>Conducted weekly Realignment team meetings.</li> <li>Channel Assessment &amp; Field Survey - Coordination of July 2013 field work with AGI. Compilation of survey and field notes obtained during fall 2012 field work. Completion of July 2013 field work.</li> </ul>   |
|    |                     | During Period | <p>COEH Waterline:</p> <ul style="list-style-type: none"> <li>Provide construction oversight including quality, safety, compliance with plans and specifications</li> <li>Prepare daily reports to document progress</li> <li>Trench and install remaining water line</li> <li>Abandon existing water line</li> <li>Make connections to existing water line</li> <li>Flush new waterline</li> <li>Complete testing and place new waterline into service</li> <li>Complete installation of waterline under Hwy and RR</li> <li>Submittal review as Engineer of record</li> <li>Complete punch list items</li> </ul>  |
| 2. | ET Cover System IMs | 7/1/13        | The CT granted approval for CH to execute the subcontract with Envirocon for the Phase 2 Demolition.  |
|    |                     | 7/24/13       | CT personnel and Hydrometrics toured the plant site with Envirocon to reiterate the live electrical lines and water piping in Phase 2 demolition.   |
|    |                     | During Period | <p>Phase 1 Demo:</p> <ul style="list-style-type: none"> <li>Review submittals and update submittal register</li> <li>Quality and safety oversight of onsite operations</li> <li>Construction management oversight/coordination of Envirocon demolition activities including quality, safety, compliance with plans and specifications</li> <li>Daily and weekly reporting</li> <li>Continue loading and transport of recycle material (~550 tons)</li> <li>Segregate materials for future transport to CAMU</li> <li>Characterize wastes</li> <li>Remove LBP and universal wastes</li> <li>Demolished Crushing and Sampling Bldg, Truck Scale, Operation Office, Railroad Flatcar, Fuel Storage Tanks, American &amp; Ohio Locomotive Crane Co. Railroad Crane, Loading Buckets, and Abandoned Storage Sheds</li> <li>Load out metal debris piles for recycling</li> <li>Manifest and T&amp;D of oil and universal waste</li> <li>Load out Concrete Jersey Barriers for reuse. The ones in bad condition were crushed and used as backfill</li> </ul> |

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
July 2013**

| #  | Topics & Subtasks          | Date(s)       | Major Activities <sup>1</sup>   |
|----|----------------------------|---------------|---|
|    |                            |               | <ul style="list-style-type: none"> <li>Complete the demolition and backfill of OSHB including removal of columns and placement in lower section of OSHB prior to backfill</li> <li>Complete placement and compaction of soil cover over OSHB footprint</li> <li>Complete punch list</li> <li><b>Phase 1 demo field work is complete</b></li> </ul>  |
|    |                            | During Period | Phase 2 Demo: <ul style="list-style-type: none"> <li>Construction management oversight/coordination of Envirocon demolition activities including quality, safety, compliance with plans and specifications</li> <li>Daily and weekly reporting</li> <li>SWPPP implementation</li> <li>Begin abatement activities in Bldgs 17, 19, 25, 20, 21, 22, and 41</li> <li>Complete demolition of Bldg 72 interior vaults</li> <li>Complete demolition of Bldg 72</li> <li>Remove LBP and universal wastes</li> <li>Load out metal debris piles for recycling</li> <li>Segregate materials for future transport to CAMU</li> </ul> |
|    |                            | During Period | ET Cover: <ul style="list-style-type: none"> <li>ET Test Plot bids received and evaluated.</li> <li>Revised test plot drawings to address DRI review comments and reissued for BAFO.</li> </ul>   |
| 3. | Source Removal IMs         | During Period | Source Removal IM <ul style="list-style-type: none"> <li>Updated drawings for the planned Tito Park soil removal</li> </ul>   |
| 4. | IM Work Plans              | During Period | <ul style="list-style-type: none"> <li>Prepared and submitted to CT for review an annotated outline for IM Work Plan 2014. Initiated preparation of text sections related to Tito Park, ET Cover System, and PPC Realignment-North section.</li> </ul>  |
| 5. | RCRA Team Support          | During Period | GW Flow/Transport Modeling <ul style="list-style-type: none"> <li>Reviewed work products prepared by the GW Team, including: F&amp;T Model Work Plan (NewFields) and source area evaluations supporting the F&amp;T modeling effort (Hydrometrics).</li> <li>Held coordination calls with the GW Team.</li> <li>Provided NewFields requested MVS model results and variograms in support of the F&amp;T modeling effort.</li> </ul>   |
| 6. | General (Programmatic) IMs | During Period | <ul style="list-style-type: none"> <li>Prepared July 2013 milestone schedule update. Prepare Key Task summary table for team tracking for July. Reviewed July schedule and updates and prepared approach to monthly updates.</li> <li>Schedule - Prepared monthly project schedule and progress update. Issued detailed schedule and Key Task summary for team use in July.</li> </ul>  |

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
July 2013**

| #  | Topics & Subtasks                               | Date(s)       | Major Activities <sup>1</sup>   |
|--|---|---------------|---|
| 7.   | Project Management                              | During Period | No significant project management activities occurred during the reporting period.  |
| 8.   | Permitting                                      | During Period | No significant permitting activities occurred during the reporting period.  |
| C.   | CMS   |               |   |
| A.   | Corrective Measures Study                       | During Period | Continued preparation of the soil removal evaluation TM.  |
| II. Beneficiary/Stakeholder Communications |   |               |   |
| A.   | Beneficiary Communications                      | 7/2/13        | Meet with Beneficiaries (EPA, DEQ & MDOJ) to review ET Test Plot Design   |
|  |   | 7/23/13       | Monthly East Helena Progress Review Meeting   |
| B.   | Stakeholder Communications                      | 7/19/13       | CT and Hydrometrics (JF & BA) meet with DNRC on CGWA application process and application content  |
|  |   | 7/22/13       | Permit coordination meeting with FEMA and other stakeholders and Beneficiaries  |
| III Site Management & Operations           |   |               |   |
| A.   | Site-Wide Health & Safety/Regulatory Compliance | 7/2-3/13      | EH personnel pumped the leachate from CAMU #2.  |
|  |   | 7/9/13        | EH personnel pumped the leachate from CAMU #1.  |
|  |   | 7/10/13       | The CT submitted the SWPPP to CDM Smith for a second opinion review. Comments were received on 7/17/13.   |
|  |   | 7/11/13       | The CT contacted MDEQ via email and voicemail for load calculation resolution and removal of violations for the HDS MPDES permit. The correct load calculation and a letter to potentially rescind the MPDES violations were received on 7/17/13.   |
|  |   | 7/15/13       | AMEC found and removed four empty swallow nests in the Phase 2 Demolition area.   |
|  |   | 7/25/13       | The CT submitted the Storm Water and MPDES DMRs to DEQ.   |
|  |   | 7/31/13       | The CT submitted the revised SWPPP to MDEQ.   |
|  |   | During Period | AMEC (Kirk Eakin) monitored site property for migratory bird nesting activity and reported all activity to the CT in coordination with the Migratory Bird Treaty Act (MBTA).  |
|  |   | During Period | <ul style="list-style-type: none"><li>EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs.</li><li>EH personnel removed debris from Smelter Dam and the diversion structure.</li></ul> |
| B.   | Site Security                                   | 7/25/13       | EH personnel installed No Trespassing signage on the Smelter dam gate and the Kleffner gates and fence.   |
| C.   | Plant Operations                                | 7/3/13        | North Side Welding installed an OSHA compliant handrail on the Smelter Dam bridge.  |
|  |   | 7/10/13       | EH Personnel mowed weeds near the Modular office and the Rodeo Tank.  |
|  |   | 7/16/13       | EH personnel mowed weeds near CAMU #1.  |
|  |   | 7/23/13       | The COEH removed the city water meter and discontinued the smelter water account.   |
| D.   | Stormwater Management                           | 7/3/13        | EH personnel pumped water from the Thornock tank in preparation of running the HDS Water Treatment Plant.   |
|  |   | 7/9/13        | EH personnel switched the HDS water treatment plant to receive reagent water from the HERO feed   |

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
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| #   | Topics & Subtasks             | Date(s)          | Major Activities <sup>1</sup>   |
|---|-------------------------------|------------------|---|
|   |                               |                  | tank, and disconnected the COEH waterline in preparation of Phase 2 Demolition.   |
|   |                               | 7/17/13          | The CT contacted the COEH to terminate the city water account since the water line to the Smelter was disconnected.   |
|   |                               | During Period    | EH personnel pumped all secondary containment structures and test ran the HDS Water Treatment Plant with new water connections.                                 |
|   |                               | 7/29/13 - 8/2/13 | EH personnel operated the HDS Water treatment plant to process stored site water.   |
| E.  | Documents & Records           | During Period    | No significant document and records activities occurred during this reporting period.   |
| F.  | Water Rights                  | During Period    | No significant water rights activities occurred during this reporting period.   |
| G.  | Other Property Management     | 7/2/13           | The CT received a weed complaint about CT property from the EH Mayor. The CT requested more detailed information about the complaint to help in the resolution. |
|   |                               | 7/10/13          | The CT and EPA toured the CT Ag lands with the Weed District and Lead Program of EH.  |
|   |                               | 7/26/13          | CT personnel noted water flowing from an old well south of the company housing. Hydrometrics will investigate.  |
| H.  | Other Site Operations         | During Period    | No significant other site operation activities occurred during this reporting period.   |
| <b>IV Property Use/Development</b>              |                               |                  |   |
| A.  | Agricultural Leases           | 7/25/13          | EH personnel noted damage to the new Kleffner fence line, which appears to be result of Young's haying equipment.   |
| B.  | Community Land Uses           | 7/4/13           | EH personnel escorted Big Sky Fireworks onto the slag pile for their annual 4 <sup>th</sup> of July fireworks display.  |
|   |                               | 7/11/13          | Rocky Mountain Contractors contacted the CT for repository access and a location to dump slurry from various boring operations.                                 |
|   |                               | 7/15/13          | Rocky Mountain Contractors received Beneficiary approval to dump slurry from the boring activities in the COEH into the HS&G gravel pit.                        |
| C.  | Redevelopment & Property Sale | During Period    | No significant redevelopment and property sale activities occurred during this reporting period.  |
| D.  | Slag Re-Processing            | 7/31/13          | John Fanuzzi with Blue World Concrete collected slag samples for analysis and potential purchase.   |
| E.  | City/County Land Transfers    | During Period    | No significant City/County land transfer activities occurred during this reporting period.  |
| <b>V. CT Operations &amp; Financial Affairs</b> |                               |                  |   |
| A.  | Personnel & Office Operations | During Period    | No significant personnel and office operations activities occurred during this reporting period.  |
| B.  | Financial Affairs             | During Period    | The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems.  |



**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site  
July 2013**

| #          | Topics & Subtasks          | Date(s) | Major Activities <sup>1</sup>                             |
|------------|----------------------------|---------|---|
| <b>VI.</b> | <b>Upcoming Activities</b> |         |   |
|            |                            | 8/7/13  | East Helena - CGWA Meeting with L&CC                      |
|            |                            | 8/13/13 | Monthly EPA/Custodial Trust - East Helena Project Reviews |
|            |                            | 8/27/13 | Prickly Pear Creek (PPC) Realignment 60% Design           |
|            |                            | 8/27/13 |   |
|            |                            |         |   |

<sup>1</sup> See Attachment I for a list of acronyms used in the weekly progress reports.

**Section 3. Describe and estimate the percentage of studies completed.**

No projects or studies were completed in July 2013.

**Section 4. Describe Actions being taken to address problems.**

There were no actions required to address problems associated with the Decree.

**Section 5. Identify changes in key personnel during the period.**

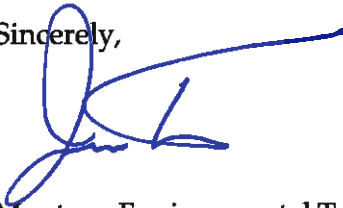
See attached Exhibit I – Organization Chart for the Custodial Trust East Helena Team

**Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.**

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Jim Ford', with a long horizontal stroke extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as

Trustee of the Montana Environmental Custodial Trust

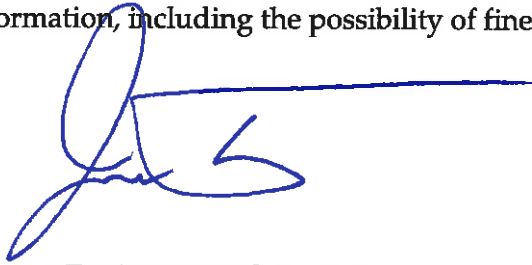
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ  
Randy Breeden - EPA 8  
Chuck Figur - EPA 8

CERTIFICATION  
PURSUANT TO U.S. v ASARCO INCORPORATED  
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust

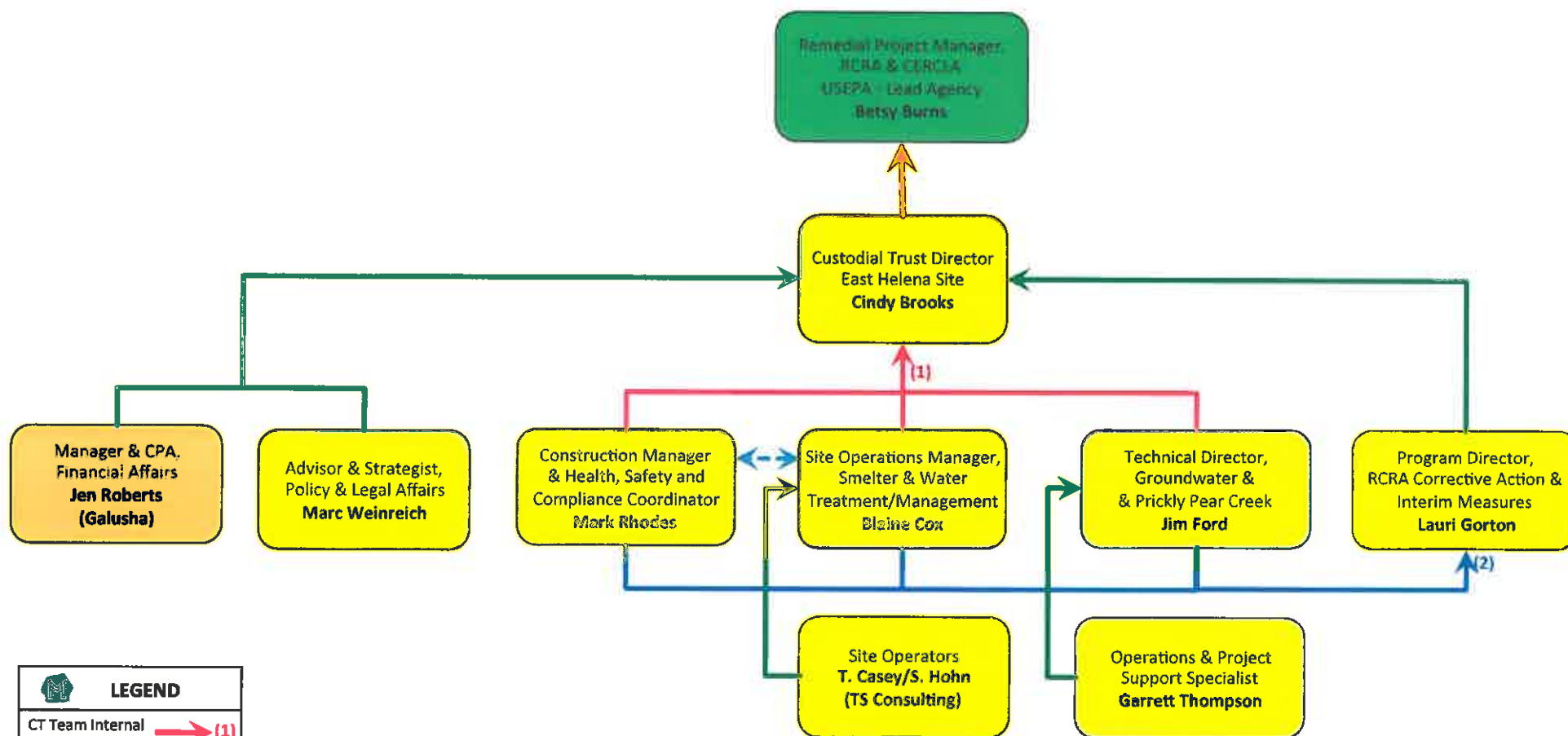
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

**Attachment I**  
**Montana Environmental Custodial Trust Monthly Progress Report**  
**East Helena (EH) Site Acronyms**

| <b>Acronyms</b> |  |
|-----------------|--|
| AL              | Air Liquide  |
| BOH             | Board of Health (Lewis & Clark County)                   |
| CD              | Consent Decree   |
| Chemet          | American Chemet  |
| CLOMR           | Conditional Letter of Map Revision                       |
| CMS             | Corrective Measures Study                                |
| CT              | Custodial Trust  |
| DMRs            | Discharge Monitoring Reports                             |
| EAP             | Emergency Action Plan                                    |
| EH              | East Helena  |
| EPA             | US Environmental Protection Agency                       |
| ET              | Evapo-Transpiration                                      |
| FEMA            | Federal Emergency Management Agency                      |
| GW              | Groundwater  |
| HASP            | Health & Safety Plan                                     |
| HEC-RAS         | Hydrologic Engineering Centers River Analysis System     |
| IM              | Interim Measure  |
| LL              | Lower Lake   |
| MBMG            | Montana Bureau of Mines & Geology                        |
| MDEQ            | Montana Department of Environmental Quality              |
| MDOJ            | Montana Department of Justice                            |
| MDT             | Montana Department of Transportation                     |
| P&S             | Purchase & Sale  |
| PPC             | Prickly Pear Creek                                       |
| SPHC            | South Plant Hydraulic Control                            |
| UL              | Upper Lake   |
| USDOJ           | US Department of Justice                                 |
| USFWS           | US Fish & Wildlife Service                               |
| WP              | Work Plan  |
| WQPD            | Water Quality Protection District (Lewis & Clark County) |

## Exhibit I: Organization Chart for Custodial Trust East Helena Team (As of 7/18/2013)



| LEGEND                                 |            |
|--|------------|
| CT Team Internal Lines of Report       | → (1)      |
| CT Team Internal Lines of Report       | → (2)      |
| CT Team Internal Lines of Report       | →          |
| CT Team Internal Lines of Coordination | ↔          |
| CT/Lead Agency Lines of Report         | →          |
| Lead Agency                            | Green Box  |
| Custodial Trust Team                   | Yellow Box |
| Consultant/Contractor                  | Orange Box |

### EXPLANATORY NOTES/COMMENTS

#### (1) Lines of Report/Responsibility:

- ❖ Lead Agency, Beneficiary & Stakeholder Communications
- ❖ Site/Property Operations & Management
- ❖ CT Legal & Financial Affairs
- ❖ Critical Technical Plans, Issues Strategy & Implementation

#### (2) Lines of Report/Responsibility:

- ❖ IM Technical & Financial Management
- ❖ RCRA CD and RCRA Corrective Action Activities
- ❖ Overall Consultant/Contractor Management
- ❖ Technical Team Coordination



# Exhibit II: Organization Chart for Custodial Trust East Helena Team and Key Consultants (As of 7/18/2013)

